

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 18, 2018

SEAN F. McAVOY, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Benjamin James Brekke	Case Number: 0980 2:13CR00164-TOR-1
Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge	
Date of Original Sentence: May 21, 2014	Type of Supervision: Supervised Release
Original Offense: Distribution of Child Pornography, 18 U.S.C. § 2252A(a)(2)(A)	Date Supervision Commenced: March 30, 2018
Original Sentence: Prison - 60 Months; TSR - Life	Date Supervision Expires: Life

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 26 You must reside in a residential reentry center (RRC) for a period up to 90 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. The defendant shall abide by the rules and requirements of the facility.

CAUSE

As the Court may recall, Mr. Benjamin Brekke is currently residing at the Spokane Residential Reentry Center (RRC) in a public law capacity, after the Court graciously modified the client's conditions of supervised release to afford the client a 180-day public law placement at the facility, as previously requested by the undersigned officer and approved by the Court on the petition dated January 26, 2018. Without intervention by the Court, Mr. Brekke would have released homeless and without resource to the Spokane area. Upon arrival at the Spokane RRC, Mr. Brekke initially struggled in his release planning efforts, both expressing ambivalence and exhibiting indecision about how to become engaged in both job searching efforts and in securing transitional resources.

In July 2018, with continued support and counsel from both the undersigned officer, and his assigned Bureau of Prisons case manager Mr. Brekke enrolled in a construction apprenticeship program located in Spokane, and to his credit, fully completed and graduated from the 6-week course in August of this year. As a direct result of his engagement with this program, on September 5, 2018, Mr. Brekke was able to secure employment with a local engineering firm in Spokane, where he is working primarily in demolition. Mr. Brekke is currently awaiting his first check from the entity, but given his recent employment, has therefore been unable to save sufficiently and adequately for his transition to the community. As a result, a reduced but extended term of public law placement was discussed with the client, and he is approving of a 90-day extended term of public law placement, to allow for him to more sufficiently prepare for release now that he has established adequate employment.

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As the Court is likely aware, Mr. Brekke is additionally scheduled to appear before the Court on September 26, 2018, to answer to one alleged violation of Mr. Brekke's supervised release. Mr. Brekke is in agreement with the modification of conditions as documented herein and as requested by the undersigned officer, as evident by the signed and attached waiver of hearing to modify conditions form. Without extension, Mr. Brekke is currently scheduled to release from the Spokane RRC effective September 25, 2018.

If the Court should have any questions or concerns with respect to this request, please do not hesitate to contact the undersigned officer.

Respectfully submitted,

by s/ Chris Heinen

Chris Heinen
U.S. Probation Officer
Date: September 14, 2018

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

September 17, 2018

Date